

**ENTERED**

April 16, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

IGNACIO LARA, JR.,

Plaintiff,

VS.

1 UNKNOWN US MARSHAL, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:25-CV-015

**ORDER ADOPTING REPORT AND RECOMMENDATION**

In January 2025, Plaintiff Ignacio Lara, Jr. filed this lawsuit against Defendants “1 Unknown U.S. Marshal” and “Court Security Officer Arriaga.” He alleges that they violated his First Amendment rights by not permitting him to enter the federal courthouse to “Record in Publice [sic],” and by physically escorting him from the premises. (Compl., Doc. 1)

On March 18, 2025, a Magistrate Judge recommended that the Court dismiss Lara’s causes of action for failure to state a claim upon which relief can be granted and for presenting frivolous claims. (R&R, Doc. 9) The same day, the Clerk’s Office mailed a copy of the Report and Recommendation to Lara at the address that he included in his Complaint. (*See* CM/ECF Entry No. 10) The document was returned as unclaimed. (*See* Return, Doc. 11) Mailing of documents to the address that the litigant provides satisfies the notice requirement for a Report and Recommendation. *See Lewis v. Hardy*, 248 F. App’x 589, 593 n.1 (5th Cir. 2007) (noting that when the clerk’s office mails a report and recommendation to the plaintiff’s last known address and it is returned as undeliverable, the plaintiff “is solely responsible for not receiving” the mailing).

More than 14 days have elapsed since the Clerk’s Office mailed the Report and Recommendation to Lara. No party filed objections to the Report and Recommendation, and the Court finds no clear error within it. *See* FED. R. CIV. P. 72(b), Advisory Comm. Note (1983) (“When

no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).


As a result, the Court **ADOPTS** the Report and Recommendation to Dismiss All Claims (Doc. 9). It is:

**ORDERED** that Plaintiff Ignacio Lara, Jr.’s causes of action are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted and as presenting frivolous claims.

This is a final and appealable order.

The Clerk of Court is directed to close this matter.

Signed on April 16, 2025.

  
Fernando Rodriguez, Jr.  
United States District Judge